

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE <div style="text-align: center;">J</div>		PAGE OF PAGES <div style="text-align: center;">1   5</div>	
2. AMENDMENT/MODIFICATION NO. <div style="text-align: center;">0002</div>		3. EFFECTIVE DATE <div style="text-align: center;">13-Sep-2005</div>		4. REQUISITION/PURCHASE REQ. NO. <div style="text-align: center;">W16ROE-5187-5657</div>		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE <div style="text-align: center;">W912DS</div>		7. ADMINISTERED BY (If other than item 6) <div style="text-align: center; font-weight: bold;">See Item 6</div>			
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. W912DS-05-B-0018			
				<input checked="" type="checkbox"/> 9B. DATED (SEE ITEM 11) 18-Aug-2005			
				10A. MOD. OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to incorporate the following:  a) Changes to Specifications, section 00800 and 02911, see block 14 continuation page. b) Government answers to contractor questions (for informational purposes only)  Note: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: In the space provided on the SF1442, by separate letter, or by telegram, or by signing the block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304).   Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR  _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA  BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED  13-Sep-2005	

**SUMMARY OF CHANGES****SECTION SF 30 - BLOCK 14 CONTINUATION PAGE**

The following have been added by full text:

AMENDMENT 0002

**W912DS-05-B-0018**

**Amendment No. 2**

Bid opening date is scheduled for 19 September 2005 at 2:00 P.M.

The following changes shall be made to the specifications.

**1) SPECIFICATIONS:**

Section 00800:Amendment 1:, paragraph 43 page 24 the third paragraph change “Line Item 0009 “ to “Line Item 0009 non-Hazardous soil.”

Section 02911: typo: in Amendment 1, paragraph 1.3, replace “ shall be per SQUARE FOOT of planting area ” with “per each plant.

THE FOLLOWING QUESTIONS AND ANSWERS ARE PROVIDED FOR INFORMATION ONLY.  
NOTHING CONTAINED BELOW AMENDS OR REVISES ANY PROVISION OF THE  
SOLICITATION.

**2) Questions and Answers**

The New York District has received questions about the contract.

**1-Q:** Sec 01355A ---Is the contractor required to obtain a Waterfront Development Permit from NJDEP prior to starting any excavation work? If so has the NY Corps factored in the approximately 4-5 months from notice to proceed to obtain this permit into the schedule?

**Response:** Waterfront Development Permit is not needed.

**2-Q:** Sec 02310---Item 1.1 States to not mix Item 0009 and Item 0008 material. If mixing the two materials improves disposal options and still allows for proper disposal, can the two materials be mixed? Item 3.5 states that wet material will be carted in a watertight truck bed. What is the definition of wet and does this apply to material transported from the wetland area to the staging facilities or just for offsite disposal?

**Response:** Mixing of the two areas cannot occur. Wet material is anything that has water in it and will be trucked offsite to the disposal area.

**3-Q:** Sec 02915---Item 3.1.2.1 states if any of the test results are outside the ranges specified in this item Contractor shall contact the Contracting Officer. Can planting still continue with results outside the defined range? If not, will the contractor be reimbursed to amend the soil to bring it within the acceptable range.

**Response:** No, Planting does not occur outside those ranges. The cost for planting includes necessary soil amendments.

**4-Q:** GENERAL: Can caution tape be supplemented where snow fence is specified?

**Response:** No it may not.

**5-Q:** 3.1.2 Fine Grading in Wetland - the purpose of delaying planting for one full diurnal cycle is to let the site settle. The process is designed so that minor changes in the final grading do occur, therefore creating a more natural environment for planting. Please define a minimal allowance for grading change or clarify that any significant erosional gullies will be corrected. Please clarify.

**Response:** As stated on the plans and in the specifications a tolerance of +/- 0.1 ft is allowable. The contractor needs to maintain this grade as stated in the plans. Re-grading if difference in grade exceeds 0.1 ft. Erosional gullies will not occur on a flat surface with a slope of only one percent.

**6-Q:** 3.1.3. Can the waterfowl barrier be installed immediately following planting? Suggest that no completed planting cell will be exposed more than 24 hours without waterfowl barrier.

**Response:** - Yes, the waterfowl barrier should be installed immediately after any planting or even before the planting. The surface of the marsh is very sensitive to all kinds of traffic, including foot traffic. Contractor should install it concurrently and not have to walk in the site a second time.

**7-Q:** 1.3.1 - There appears to be some discrepancies payment methods (each plant or sq. ft) for herbaceous vs. shrubs, please clarify.

**Response:** Herbaceous plugs and woody plants will be paid for by the plant. Seeding is done by acreage, or square feet.

**8-Q:** 1.4- Please clarify warranty period, 2 or 3 growing seasons.

**Response:** The warranty period will be two growing seasons see revised section in amendment one.

**9-Q:** - 2.4 Can the anti-desiccant be applied immediately prior to installation. This is much more cost effective and usually provides much better application.

**Response:** Yes, anti desiccant can be applied immediately prior to installation as well as immediately after.

**10-Q:** 3.1.3 Can planting of similar species be conducted in a patch-work layout vs a grid system? This creates a more natural looking wetland and facilitates the use of herbicides and the reduction of incidental spraying of non-target species.

**Response:** Patchwork grids are appropriate for woody plants and should be OK for them (e.g. Iva and Baccharus). Keep the Spartina on the defined spacing. We cannot keep this spacing using patchwork grids.

**11-Q:** - 3.1.3.1 Fertilizer - 28 grams of fertilizer is excessive for ground cover plants. Suppliers recommend a 5-gram tablet for ground cover plugs and a 10-gram tablet for 1-gallon shrubs. Please clarify.

**Response:** The 20-28 gram for Spartina is standard.

**12-Q:** Based on the responses included in Addendum #1, are the bidding contractor's to assume that any and all waste soil and debris characterization is provided as historical reference only; and that the NY Corps is therefore making it a contract performance requirement to sample and analyze excavated materials to determine final waste characterization disposition (hazardous, non-hazardous, or special) cost.

**Response:** The sampling data was provided for use by the contractor in disposal of excavated material and was approved by NJDEP for waste characterization purposes. However, additional sampling might still be required by the disposal facility and/or NJDEP and it is the contractor's responsibility to perform any additional sampling and analysis.

**13-Q:** In section 02911, number 1.7 paragraph 1, Line 1 states, "Payment for 'Juncus geardii, distichlis spicata,' shall be made per EACH plant"; - however. -Section 02911, number 1.3 paragraph 1, Line 1 states that "payment for herbaceous plant materials ("Juncus gerardii and Distichlis spicata) shall be per SQUARE FOOT of planting area actually installed." There is a direct conflict between these two statements. Please inform me as to how these Items will be approved and paid. Furthermore, the unit in the bid sheet for Juncus gerardii and Distichlis spicata is "each" are we assuming that we are bidding the cost of "each" plant or "each" square foot?

**Response:** Per plant,  
Herbaceous plugs and woody plants per each plant. Seeding is done by acreage, or square feet, as we do not count seeds.

**14-Q:** In regards to herbicide application on invasive and non-native plants, when will this application take place? The most effective time to apply herbicide to undesirable vegetation is in the fall, by the time construction is ready to commence on this project it will be after the first frost when the vegetation is dormant and foliar herbicide applications are no longer effective. Please advise on this issue.

**Response:** This is being done this month.

**15-Q:** Section 02911 number 3.14, 3.15 are entitled Watering & Pruning respectively, Is it safe to assume that these two sections refer only to upland species since the wetland plants are watered by tidal flux and these specific species need not be pruned?

**Response:** Yes.

**16-Q:** Can you make CAD versions of the drawings available to the bidders?

**Response:** No, this is not the USACE Policy.

**17-Q:** For Bid Item No. 0009, "Excavation and Disposal of Soil" it is still not clear if the 23000 cy of the material that is intended for offsite disposal, is non-hazardous per NJDEP requirements. For the purpose of providing bids on this Item, can government confirm that it is non-hazardous?

**Response:** For the material in Bid Item No. 0009 all sampling results were non-hazardous or below regulatory criteria. This information can be found in the Medwick HTRW Report and Sampling data.

**18-Q:** Since sampling results provided indicate some contaminants, there is possibility that contractor might encounter "Hazardous Material" that exceeds NJDEP non-hazardous soil criteria. Shouldn't government provide a Bid Item to address "Excavation and Disposal of Soil Hazardous Material"?

**Response:** The TCLP results were non-detect for all VOC, SVOC, Pesticides, Herbicides and most metals. A couple metal compounds were detected at minimal levels (0.10 - 2 ppm). These results are well below NJDEP Hazardous Waste Levels and confirm that the berm material would be classified of as non-hazardous contaminated soil.

**19-Q:** For the Excavation and Disposal Cost, can government include an assumption that the Disposal Facility will be within XX miles radius from the project area.

**Response:** No, this is the responsibility of the contractor.

(End of Summary of Changes)